

Juvenile Jurisdiction Planning & Implementation Committee



Expanding Juvenile Entitlement to 16 & 17

The Impact on Law Enforcement

Connecticut Police Academy – POST

Chief Thomas E. Flaherty

Executive Director

Presenter: Stanley W. Konesky Jr.

Instructor

Purpose of Juvenile System

- Juvenile under 16 – YIC 16 & 17
- Juveniles held accountable
- Provide secure & therapeutic confinement when necessary
- Adequately protect juveniles/community
- Provide community based programs
- Retain & support juveniles within their home when possible
- Probation treatment planning based on an individual basis

Purpose of Juvenile System

- Include juvenile family in plan
- Provide supervision and services to discourage recidivism
- Provide follow up & non residential post after care
- Promote community based programs to prevent unlawful behavior & minimize exposure in the system

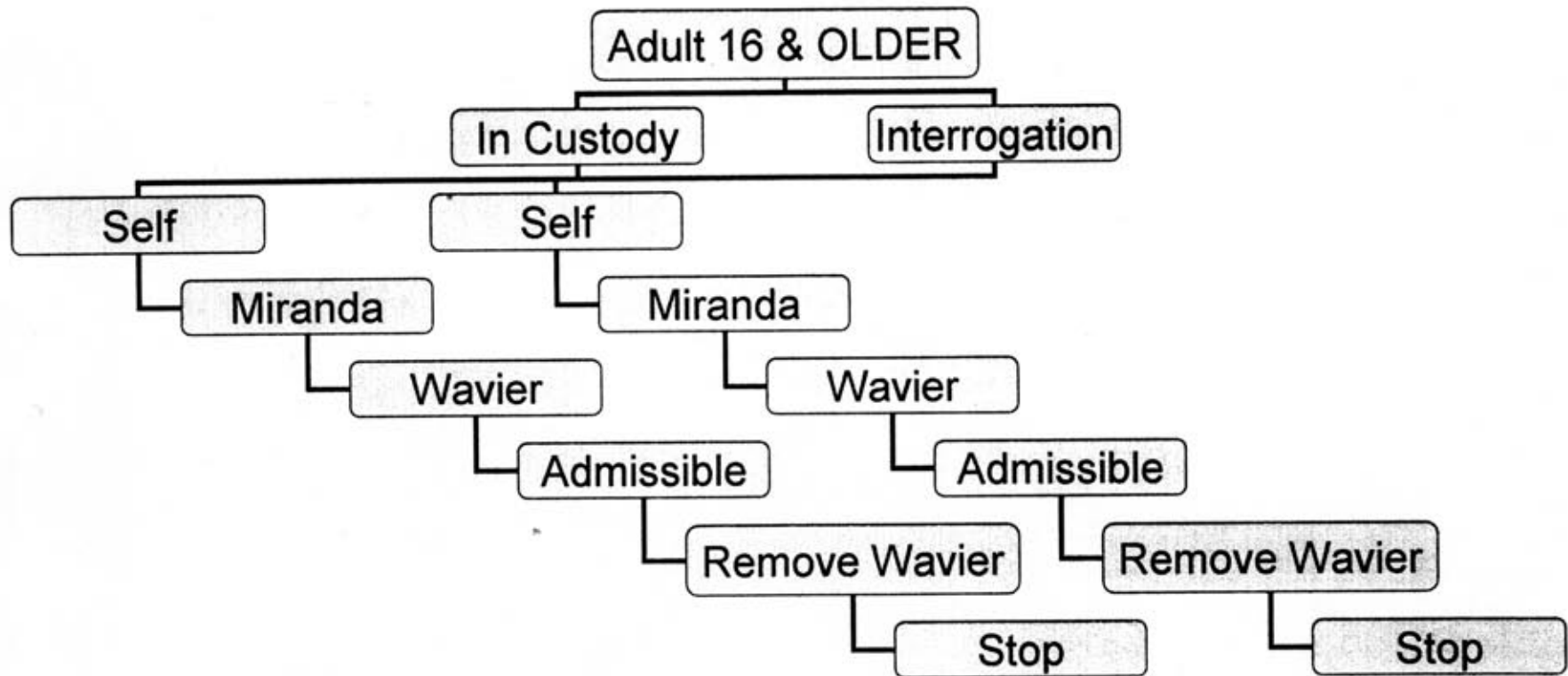
Focus

- Comparison
 - Present juvenile process in the criminal system
 - Under 16 years of age
 - Expanding juvenile process
 - 16 & 17 year old

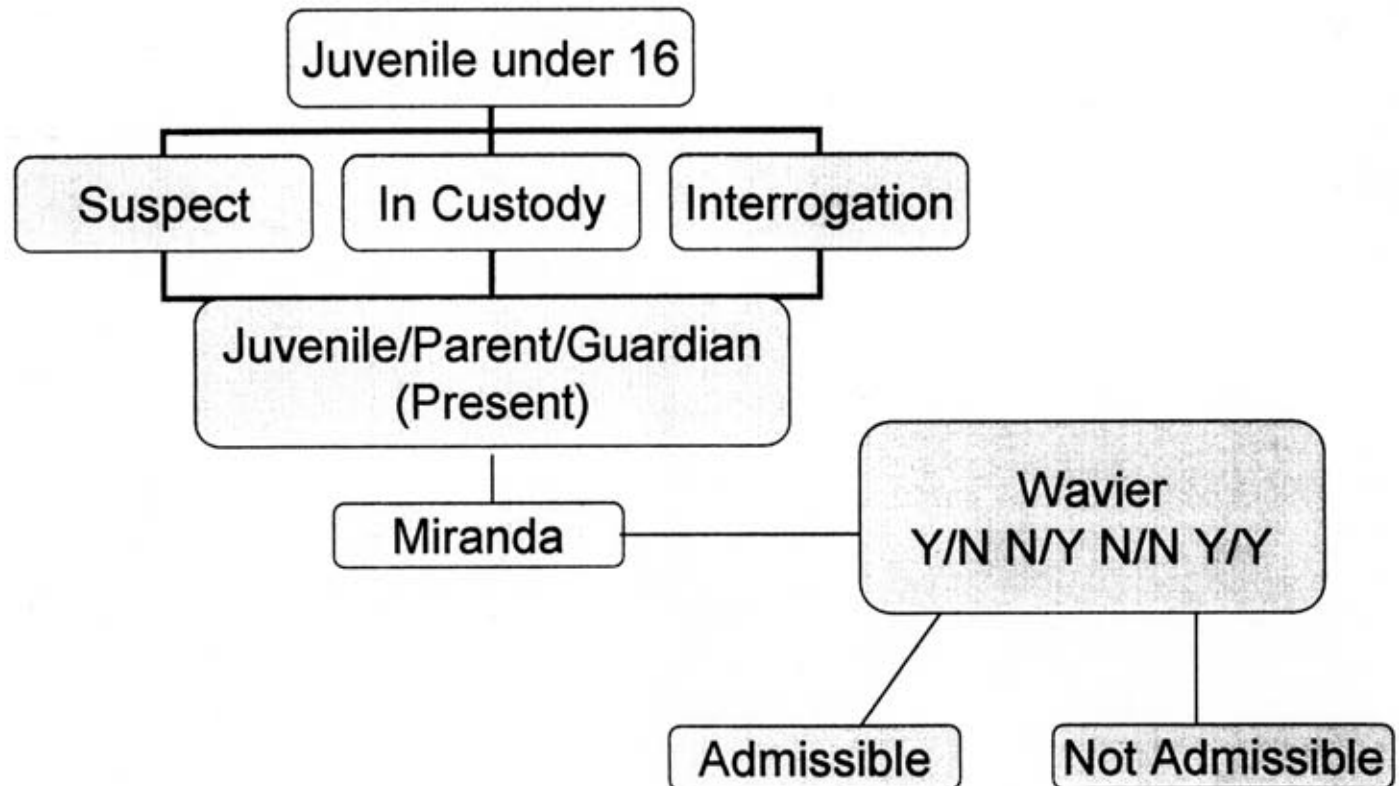
Present Juvenile Process

- Juveniles enter into system
 - Arrest
 - Miranda of arrestee
 - Juvenile with parent / guardian physically present
 - Miranda of suspect
 - Juvenile with parent / guardian physically present
 - Arrest of 16-17
 - Miranda can be given without parent or guardian
 - Police can talk with a 16-17 if they are a suspect
 - Under the new law:
 - Need parent / guardian to interview arrested 16-17
 - Need parent / guardian to talk with a suspect 16-17
 - What if parent / guardian can not be located
 - What about the victim??????

Adult Miranda



Juvenile Miranda



Miranda Requirements

- **46b-137 Sec. 46b-137. (Formerly Sec. 51-318). Admissibility of confession or other statement in juvenile proceedings. (a) Any admission, confession or statement, written or oral, made by a child to a police officer or Juvenile Court official shall be inadmissible in any proceeding concerning the alleged delinquency of the child making such admission, confession or statement unless made by such child in the presence of his parent or parents or guardian and after the parent or parents or guardian and child have been advised (1) of the child's right to retain counsel, or if unable to afford counsel, to have counsel appointed on the child's behalf, (2) of the child's right to refuse to make any statements and (3) that any statements he makes may be introduced into evidence against him.**

Collateral Issues

- Police don't set bond for juveniles – What about bond for 16-17 after arrest of a serious crime / Domestic Violence / Assault, etc.
- Spontaneous Utterance not admissible -46b-138a & 46b-137 – What about a 16-17
- Photograph / Fingerprint w/no sanction if they refuse – What if a 16-17 refuse – no photo / fingerprint on FTA
- Max restitution of \$5000/ incident CGS 52-572
- Emancipation of 16-17 – How does Miranda fit? Who advocates?
- Transfer 14-15 to adult court on Capital Felony / A or B Felony / Arson Murder – What to do with 16-17 & what crimes will be transferred?
- Juvenile criminal court jurisdiction is where the juvenile lives NOT where the crime was committed. Victims, witnesses, and police will travel to the court of the juvenile's residence.
- 16-17 have the right for MV operator's license / Juveniles don't. With this new law, police will not be allowed to question them on MV violations, DUI and accident investigations, especially at the scene. What about the insurance company process, sobriety tests, other operator, passenger issues?

Training Issues

- Connecticut has about 8,069 municipal law enforcement officers
- Connecticut State Police have about 1,200 troopers
- This new proposal will necessitate:
 - Expanding the number of juvenile officers per department specifically trained in juvenile matters
 - A complete new in-service training block for all police
 - Expansion of recruit training at POST
 - Coordination and training for all juvenile court personnel
 - Expansion of juvenile probation services and training
 - Redesign information for all Connecticut residents and businesses
 - Revisit distributed and advertised information and rights for victims
 - Reprint of law enforcement, probation, DCF, court manual procedures
 - Extensive research into the implications to CGS as it relates to 16 & 17 year olds
 - Effects on the CGS Chapter 10 “Education Law”

Potential Transfers to Juvenile Criminal Process in Connecticut

- 2004: arrests by all CT. PD
 - 16 year olds arrested = 5,753
 - 17 year olds arrested = 6,354
 - Total = 12,107*
- 2004 Estimate Population
 - 16 / 17 year old males = 49,701
 - 16 / 17 year old females = 47,326
 - Total = 97,027**
- 2004 Percentage = 12.5%

*UCR/NIBS DPS/CPS

**OJJDP Census

They Are Already in The System!

“On The Scale”

- 12,107 infused into the Juvenile system
 - More Statewide facilities?
 - More judges, prosecutors, public defenders, probation officers, DCF workers ?
 - Who will pay for this bill?
- These arrested 16-17 are already into the system.
 - This new law does not prevent their actions
 - Two basket of strawberries on one scale
 - Take a handful out of basket A and place it in basket B
 - The scale reads the same weight.



Random Cities / Towns

- 4 examples of 16-17 custodial arrests
- West Haven from 7/05 to 6/06 = 234
- Branford from 7/05 to 6/06 = 64
- Madison from 01/05 to 12/05 = 11
- Norwich from 01/04 to 12/04 = 185
- -----
- Connecticut State Police - 2004 = 1358
- Remember for 2004 – total 16-17 arrests = 12,107
- Applying the juvenile process will greatly increase police manpower hours.
- Appears to reduce police street presence
- Could be perceived by cities and towns as a unfunded State mandate

Detention Dilemma

- **Federal Guidelines**
 - Local detention max 6 hours (JJDP Act 223(a))
 - Release them parent / guardian /responsible person
- **Facility with Duty To Protect in mind**
 - Out of sight and sound of adults
 - CCTV w/ audio
 - Fire suppression system
 - Bathroom facilities
 - Construct safe juvenile detention cells
 - Suicide watch
 - Medical issues
- **Not Released**
 - Detainment Order
 - Contact DCF for services
 - Ex Parte PC Determination form (48 hrs.)
 - Transport to one of three State Juvenile Facilities
 - Travel time / manpower

Youth Development

- The family is the foundation for youth development
- 80% learned by 5-6 years old
- Approx 57 million under 15 years of age *
- Pathway to Delinquency
 - Authority – challenge authority figures
 - Overt – bullying, physical conflicts, violence
 - Covert – lying, shoplifting, vandalism, arson, thefts

*Juvenile Justice & Delinquency Act 2002

Today....Tomorrow

- **Youth shootings & other violent crimes**
 - This new proposal is after the crime is committed & the victim is injured!
 - Connecticut 2004 arrests under 18* (only 84 agencies reporting)

• Murders	= 6
• Forcible Rapes	= 44
• Robbery	= 301
• Aggravated Assaults	= 623
• Burglary	= 688
• Arson	= 145
• Other Assaults	= 3988
• Weapons/carrying/possession	= 321
• Drug violations	= 1867

* UCR

Today....Tomorrow

- Positive Values must be taught & reinforced
- Negative behavior must be modified – gang / media
- “Signs, signs everywhere a sign” (excerpt from song)
- Our attempt is Laws, laws everywhere a law
- Pass on juvenile responsibilities to police, teachers, clergy and community leaders does NOT work
- Removes responsibilities from the parents & family lessens ownership of the child
- Today’s parenting is a very challenging job
 - Two / One parent or a guardianship needs support
- Suggestion: Let’s work together to prevent & support the juvenile from ever entering the Juvenile Justice System.

Juvenile Research

- 1974-1977 Research – Recognized by the US Congress as a **Exemplary Youth Development Program**
- 5000 decisions per day
- Youth Recidivism
- Three areas of focus
 - Decision making mechanics
 - Value Clarification
 - Self Pressure / NOT PEER PRESSURE
 - Definition: The pressure we put upon ourselves in anticipation for what we believe people will think or say about us.
- Full academic program – Student Awareness
 - KG thru 8th
- This program reduced Vandalism complaints by over 70%

Create Initiatives w/ Community Support

- **Student Awareness 1975 thru 1999**
 - Decision making
 - Value
 - Self pressure
 - Vandalism reduced over 70 %
 - Grades KG thru 12th
- **Vertical Curriculum Education**
 - Build on each year
 - Practice what we learn in a supportive environment
 - Reinforce positive behavior
 - NH police officer Shafiq Abdussabur & CTRIBAT
 - Positive activities
 - Do more with your life
 - Can't baby sit for youths and their parents
- **Connecticut Workforce Development Council**
 - Youth jobs
- **Rap Around Services**
 - To assist parents / guardians with a positive youth development environment
 - To continuously support and reinforce positive family & community values
 - To educate on proper decision making process
 - To explain Self Pressure concept & deflate the Peer Pressure influence
- **George Coleman** – In the New Haven Register advocated programs for educating children 3-5 years old

Not The End – Hopefully A New Beginning

- If it is the legislature's direction to write and pass this new 16 & 17 law then we will professionally work within your guidelines.
- You should insure a complete review and amend numerous other collateral laws and procedures to assist law enforcement in their duty to protect and victims to be secure in their safety and security.
- There must be appropriate funding for law enforcement as well as the entire support service which rap around the juvenile system.

Once again, on behalf of POST, Chief Flaherty and myself, thank you for the opportunity to be heard.

If POST can be of any further assistance, please do not hesitate to call.



Bio

Stanley W. Konesky Jr.

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- **29 years – Branford Police – Retired Lieutenant**
- **7 years – POST Instructor**
- **BS Degree in Education – SCSU**
- **Masters in Criminal Justice – University of New Haven**
- **Masters in Psychological Counseling – SCSU**
- **Co Author – Connecticut Protocol on Youth In Crisis Model Policy, 2003**
- **Editor – Connecticut Model Policy on Domestic Violence / Police Response**
- **Authored “Student Awareness”, complete school curriculum on youth development in partnership with law enforcement**
- **Authored numerous works, screenplay, CD on all aspects of youth development and law enforcement training**
- **Developed the concept of “360 Degrees Sphere”**
- **Resume upon request**